

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF TEXAS  
CORPUS CHRISTI DIVISION

UNITED STATES OF AMERICA                   §  
   §  
VS.   §   MAGISTRATE NO. C-12-618-1  
   §  
BENITO RODRIGUEZ                         §

**MEMORANDUM OPINION AND ORDER OF DETENTION PENDING TRIAL**

A detention hearing has been held in accordance with the Bail Reform Act, 18 U.S.C. § 3142(f). The following requires detention of the defendant pending trial in this case:

- (1) There is a serious risk that the defendant will not appear; and
- (2) There is a serious risk that the defendant will endanger the safety of another person or the community.

The evidence against the defendant is substantial. The defendant was directly involved in the sale of firearms to an undercover agent. The findings and conclusions contained in the Pretrial Services Report are adopted. The defendant has a list of arrests and convictions for serious offenses dating back to 1994, including assaults, weapons offenses, possession of marihuana, thefts and engaging in organized criminal activity. It does not appear that he has ever successfully completed a period of probation. He was on bond when he committed the instant offense. The defendant is a poor bond candidate.

The defendant is committed to the custody of the United States Marshal or his designated representative for confinement in a corrections facility separate, to the extent practicable, from persons awaiting or serving sentences or being held in custody pending

appeal. The defendant shall be afforded a reasonable opportunity for private consultation with defense counsel. On order of a court of the United States or on request of an attorney for the Government, the person in charge of the corrections facility shall deliver the defendant to the United States Marshal for the purpose of an appearance in connection with a court proceeding.

ORDERED this 27th day of June, 2012.

  
B. JANICE ELLINGTON  
UNITED STATES MAGISTRATE JUDGE